

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas FELZMANN

Application No.: 10/527,679

Confirmation No.: 7223

Filed: February 3, 2006

Art Unit: 1646

For: USE OF DENDRITIC CELLS (DCS)
EXPRESSING INTERLEUKIN 12 (IL-12)

Examiner: X. Xie

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 1, 2010

Sir:

In the Notice of Allowance mailed on September 1, 2010, the Examiner refers to “the prior art reference (specifically, Kakinshi *et al.*)”. (Notice of Allowance, page 4.) However, the most recent rejections were based on a combination of Bosch (U.S. 2005/0059151) in view of Kalinski *et al.* (*J. Immunol.*, 1999, Vol. 162:3231-3236). (Office Action dated March 3, 2010, pages 3-4.) Applicants assume that the Examiner intended to refer to the Kalinski *et al.* reference as there is no Kakinshi *et al.* reference of record.

Also, on page 4 of the Notice of Allowance, the Examiner states that “one of skill in the art could not expect the efficiency of the present therapy.” However, as pointed out in the response dated June 3, 2010, page 3 and in the Declaration of Dr. Germeraad, page 8, one of skill in the art could not expect the “efficacy”, *i.e.*, effectiveness, of the present therapy. Again, Applicants assume that reference to the unexpected efficacy of the claimed therapy is what is intended by the Examiner’s statements in the Notice of Allowance.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson Reg. No. 30,330 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: November 1, 2010

Respectfully submitted,


By _____

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